

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF FRANKLIN HOEFT FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER _ _)

ORDER AMENDING
ORDER APPROVING
TRANSFER NO. 3870

The Administrative Order of the Water Resources Director dated October 5, 1978, and recorded at pages 288 and 289, Volume 31, Special Order Record, approving water right transfer application No. 3870, in the name of Franklin Hoeft, was in error in paragraph 2 on page 288 in stating the amount of water and the number of acres owned by the applicant to which the water right described by the certificate recorded at page 2579, Volume 3, State Record of Water Right Certificates, is appurtenant. The Order listed an amount of water of not to exceed 0.28 cubic foot per second from Birch Creek for the irrigation of 12.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W. M., when, on the basis of an agreement entered into by the applicant's predecessors in interest on May 25, 1951, it should have stated: " an amount of water of not to exceed 0.25 cubic foot per second from Birch Creek for the irrigation of 10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W. M."

Also, the Order was in error in describing in paragraph 4 on page 288, the number of acres the applicant proposed to irrigate. The Order listed a certain 22.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 27, when it should have listed: " 20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 27."

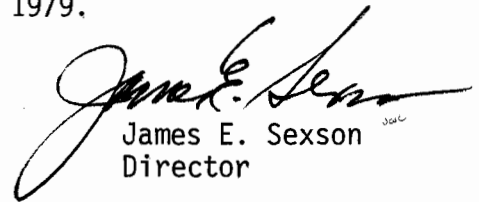
NOW, THEREFORE, it is ORDERED that paragraph 2 on page 288 of the Administrative Order of the Water Resources Director entered October 5, 1978, approving water right transfer application No. 3672, in the name of Franklin Hoeft, be and the same hereby is amended to read:

"The certificate recorded at page 2579, Volume 3, State Record of Water Right Certificates, in the name of Louis Male, describes a right which includes the use of not to exceed 0.25 cubic foot per second from Birch Creek for irrigation of 10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W. M., with a date of priority of 1908."

It is FURTHER ORDERED that paragraph 4 on said page 288 of said Order be and the same hereby is amended to read:

"The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 27, from a point of diversion located 1630 feet South and 260 feet West from the North Quarter Corner of Section 27, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W. M."

Dated at Salem, Oregon, this 30th day of May, 1979.


James E. Sexson
Director